

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

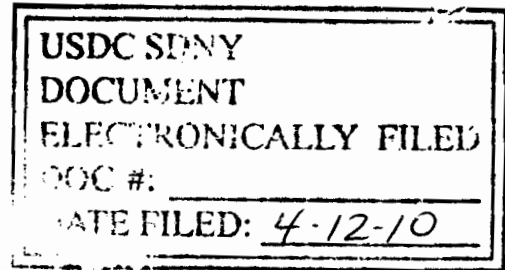
-----x
LEIGHTON NELSON,

Petitioner,

-v-

WILLIAM BROWN,

Respondent.
-----x



07 Civ. 3568 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

On July 1, 2009, the Honorable Henry Pitman, United States Magistrate Judge, issued a thorough and well-reasoned Report and Recommendation ("Report") in the above-captioned matter recommending that the Court deny petitioner's pro se petition for a writ of habeas corpus.

Neither party has filed any objection to the Report, and, for that reason alone, the parties have waived any right to further appellate review. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report, and, for the reasons stated therein, dismisses the petition. In addition, because petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. See 28 U.S.C. § 2253. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as petitioner's claim lacks any arguable basis in law or fact, and therefore permission to proceed in forma pauperis is also denied.

See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank
(In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). Clerk to enter
judgment.

SO ORDERED.

Dated: New York, NY
April 9, 2010


JED S. RAKOFF, U.S.D.J.